

# Permitting in the Shoreline 201

*What all Homeowners  
Need to Know*

# Washington State Shoreline Management Act



In 1972 Voters passed the  
Shoreline Management Act (SMA)  
RCW 90.58

WA Department of Ecology works with local governments to develop plans to achieve three basic goals:

- Protect environmental resources of state shorelines.
- Promote public access and enjoyment opportunities.
- Give priorities to uses requiring shoreline location.



# The Result:

Each County  
Government  
develops their  
own  
Shoreline  
Master Plan  
(SMP)

## Island County Comprehensive Plan

### 3. Shoreline Management Element

Shoreline Master Program Goals and Policies

Chapter 16.21 Shoreline Management

Chapter 17.05 Shoreline Use Regulations



Master Plan  
1st Order  
1st Order Boundary

Originally Adopted by Resolution for DOE Approval on  
September 29, 1998

Effective date of SMP – June 21, 2001

# In Island County, compliance with SMP is monitored by:

- The Planning Department and the Department of Ecology.
- Island County and Ecology coordinate with the State Departments of Fish and Wildlife and Natural Resources and the US Army Corps of Engineers.
- The Department of Natural Resources may be a participant where state-owned tidelands and bedlands are involved.

# What does this mean for the Landowner?

*If you own waterfront property in Island County then you are regulated by both:*

- State Shoreline Management Act RCW 90.58
- And
- Island County Shoreline Master Program



# What areas and activities are subject to shoreline regulations?



Shoreline regulations cover  
all areas ***below***  
***Ordinary High Water Mark*** (OHWM)  
and all areas within  
***200 feet upland*** of the OHWM  
of Puget Sound.

*Also includes certain lakes and streams.*



# OHWL Defined:

The Ordinary High Water Mark is defined as either where a bulkhead exists, the line of vegetation on the beach, or the toe (bottom) of a bluff.

*Note:*

*OHWL is a geographical location on the land and is **NOT** related to a tidal reference.*



Camano Island

Livingston Bay Shore Dr

Fox Trot Way



Position 48°14'11"N 122°26'18"W

L i v i n g s t o n B a y

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**Any development** or **alteration** to or within these areas is subject to the provisions of:

1. The State Shoreline Management Act
2. The Island County Shoreline Master Program
3. The shoreline setbacks established in the Zoning Ordinance ICC 17.03
4. And the Shoreline Use Regulations ICC 17.05 and ICC 16.21



# Shoreline Development:

## *Definition:*

A use consisting of the **construction or exterior alteration of structures**; dredging; drilling; dumping; **filling**; removal of any sand, gravel or minerals; **bulkheading**; driving piling; **placing of obstructions**; or any project of permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands at any stage of water level.  
(RCW 90.58.030; WAC 173-27-030).

# Alteration:

## *Definition:*

In any wetland, deepwater habitat, or a Fish and Wildlife Habitat Conservation Area or required buffer, the placement or erection of any solid material or structure; the discharge or disposal of any dredged material or waste, including filling, grading, channelization, removing, dredging, draining, mining or extraction of any materials; the removal or harvesting of trees or other vegetation; modification for use as a storm water retention/detention facility; or other alteration.

# Island County Shoreline Permits

Island County Planning and Community Development Department administers  
4 types of Shoreline Permits:

- Shoreline Exemption Permit
- Substantial Development Permit
- Shoreline Conditional Use Permit
  - Shoreline Variance



## Shoreline Exemption Permit:

Developments exempt from substantial development permit requirements- Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process of the SMA.

*An exempt activity must still be carried out in compliance with policies and standards of the Act and the Shoreline Master Program.*

# Listed Exemptions:

- Any development of which the total cost or fair market value, whichever is higher, does not exceed \$5000.
- Normal maintenance or repair of existing structures or developments... to a state comparable to its original condition.
- Construction of the normal protective bulkhead common to single-family residences.
- Emergency construction necessary to protect property from damage by the elements.
- Construction and practices normal or necessary for farming, irrigation, and ranching activities.



# Cont'

- Construction of a single-family residence (SFR) and *normal appurtenances* located landward of OHWM.
- Other non-residential exemptions as listed.



## *Normal Appurtenances:*

- Garage
- Driveway
- Deck
- Utilities
- Fences
- Septic tank
- Drainfields
- Grading that does not exceed 250 cubic yards of material (*only associated to construction of a **new** SFR*)
- Beach access structures
- Antennas
- Solar arrays.



# Substantial Development Permits:

*If any part of the proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.*



# Conditional Use Permit:

A use, development, or substantial development which is classified as a conditional use in the Shoreline Master Program, or which is not classified within the SMP. Those activities identified as conditional uses or not classified in this Master Program must be treated according to the review criteria established in WAC 17-27-160.

SHORELINE USES	SHORELINE ENVIRONMENTS						
	AQUATIC	NATURAL	CONSERVANCY	RURAL	SHORELINE RESIDENTIAL	URBAN	<i>[Also, See Zoning 17.03 ICC and Critical Areas Ordinance, 17.02, ICC]</i>
	Proposed	Proposed	Proposed	Proposed	Proposed	Proposed	<i>Shoreline Use Regulations</i>
<b>Residential Uses:</b>							
Single-family (and normal appurtenances)	X	C	P	P	P	P	See 17.05.200
Accessory Dwelling Units (e.g., guest houses)	X	C	C	P	P	P	See 17.05.200
Mobile home parks	N/A	X	X	X	X	P	See 17.05.200
Multi-family	X	X	X	X	P	P	See 17.05.200
Land subdivision	N/A	C	P	P	P	P	See 17.05.200 & 16.06
<b>Boating &amp; Related Facilities:</b>							
Boat Launches	C	C(5)	C(5)	P	P	P	See 17.05.140
Private Docks	C	C	P	P	P	P	See 17.05.140
Public Docks	C	C	P	P	P	P	See 17.05.140
Floatplane bases	C	X	X	P	P	P	See 17.05.170
Marinas	C	X	X	C	C	P	See 17.05.170
Private Piers	C	C	P	P	P	P	See 17.05.140
Public Piers	C	C	P	P	P	P	See 17.05.140
<b>Resource Management and Extraction:</b>							
Agriculture	N/A	P	P	P	P	X	See 17.05.100 & 16.25
On-land aquaculture accessory activities, structures, processing, etc.	N/A	X	C	C	X	C	See 17.05.110
Aquaculture, within districts	C	N/A	N/A	N/A	N/A	N/A	See 17.05.110



# Shoreline Variance:

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.



This applicant requested that Island County grant him a variance in order to allow for the reconstruction of an existing beach cabin within a shoreline setback area. Currently 2 single family homes are located on the applicant's property, an upland cabin that serves as a primary residence and an over-water beach cabin.



# Moral of the Story:



If you live near the shoreline chances are  
you need a permit.

# I think I need a permit, now what?...

- Please call a Land Use Planner at the Coupeville office to discuss the project and verify what permit you need. *Toll free 360-679-7339*
- ***\*\*Always make sure to tell them you live on the shoreline.***
- For more complex projects the Planning Dept. offers FREE Pre-App appointments with all the County Departments to formally review your project and give you advice about applying for permits.



# How to Apply:

1. Download the appropriate Application:  
<http://www.islandcounty.net/planning/permits.htm>
2. Complete the application and be sure to follow the directions in detail.
3. It is highly encouraged to submit your application by appointment in Coupeville with a Land Use Planner. If this is not possible you may submit at the Camano Annex. Call 360-678-7800 for a Coupeville appointment.



- We encourage you to voluntarily contact us to resolve any unpermitted work. We will work with you to facilitate compliance.
- Otherwise: Formal Enforcement Action for Shoreline Violations includes a **\$5000 fine** plus the possibilities of additional penalties.



# How do I properly report a violation?

If you suspect a Code Violation please do the research first.

- Does the work require a permit?
- Verify if there is a permit or not – some permits may not require a yellow sign.
- Be on good terms with your neighbors – talk to them.

If so...

Then correctly complete a Complaint Investigation Form and submit it to Island County Planning and Community Development.

**Shoreline resources are finite  
and must be effectively  
managed if their many values  
are to be preserved.**

**Please call us if you have ANY shoreline questions!**

**360-679-7339**



# Thank You!



Olympic Coast National Marine Sanctuary